



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AES:MEB/HDM/MAM/KN
F. #2016R00695

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 20, 2019

By ECF

The Honorable William F. Kuntz, II
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Jean Boustani et al.
Criminal Docket No. 18-681 (WFK)

Dear Judge Kuntz:

The government respectfully requests that the Court make the following limited changes to the jury instructions to identify anonymized entities involved in the overt acts, correct one missing word in the money laundering instruction, and clarify the securities fraud conspiracy instruction. The government has consulted with the defendant who agrees to the changes.

During trial, both the government and the defendant have presented evidence regarding Credit Suisse, VTB, Bank of New York Mellon, and Abu Dhabi Commercial Bank, all entities that were anonymized in the superseding indictment, including in the overt acts for conspiracy to commit securities fraud. To assist the jury, the government requests that the Court replace the anonymized identifiers with the names of these institutions in the overt acts portion of the jury instructions as follows:

- UAE Bank 2 replaced with Abu Dhabi Commercial Bank: Overt Acts (A), (D), (E), (H);
- Investment Bank 2 replaced with VTB Bank: Overt Act (F);
- Investment Bank 1 replaced with Credit Suisse: Overt Act (F), (G);
- New York City Bank 1 replaced with Bank of New York Mellon: Overt Act (F), (G).

The government also requests that the Court insert the word “funds” into the definition of concealment money laundering on page 99 of the jury instructions, per the statutory language, as follows: “Second, to transport, to transmit or to transfer monetary instruments OR FUNDS from a place in the United States....”

Finally, the government also requests the removal of the following language from page 91: “Knowledge may be found from circumstances that would convince an average, ordinary person.”

Respectfully submitted,

DEBORAH L. CONNOR
Chief, Money Laundering &
Asset Recovery Section
Criminal Division
U.S. Department of Justice

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York

By: /s/
Margaret A. Moeser
Trial Attorney
(202) 598-2345

By: /s/
Mark E. Bini
Hiral Mehta
Assistant U.S. Attorneys
(718) 254-8761/6418

ROBERT A. ZINK
Chief, Fraud Section
Criminal Division
U.S. Department of Justice

By: /s/
Katherine Nielsen
Trial Attorney
(202) 616-5672

Enclosures

cc: (by ECF)
All Counsel of Record